

**Information Network of Kansas  
Board Meeting  
October 8, 2009**

The October 8, 2009 meeting was held via conference call at the Kansas, Inc. Office, 632 S.W. Van Buren, Ste 100, Topeka, KS 66603. At 3:30 p.m. Chairman Dunham called the meeting to order.

The following Board members and proxy were present: Stan Ahlerich, Cynthia Dunham, Joe Hennes, Ron Thornburgh and Dan Yunk. Others present were: Jim Hollingsworth, INK Executive Director; Phil Elwood, INK General Counsel; Lisa Jones and Shane Myers, Kansas Information Consortium (KIC); Dan Korber, Kansas, Inc.

**Regular Agenda**

**Kansas Bureau of Investigation (KBI) Limited Criminal History Contract User Fee Increase Addendum**

Dunham provided an overview of the discussion regarding the KBI Limited Criminal History Contract at the October 1, 2009 meeting. Dunham noted the Board had authorized the Secretary of State on behalf of the INK Board to approve the KBI Contract Amendment increasing the user fee to \$20.00; however, the KBI portion would consist of \$18.20 (rather than \$18.25) and the INK portion would consist of \$1.80 (rather than \$1.75) in order to remain proportionally consistent with the existing contract. If agreed upon by both parties, the fee increase would take effect on October 8, 2009, and if not agreed upon the INK Board would further address the KBI Contract Amendment at the November 2009 meeting.

Thornburgh provided an overview of his discussion on October 7, 2009 with KBI Director Bob Blecha and Dave Sim, noting they did not agree upon the KBI Limited Criminal History Contract User Fee Increase Addendum approved by the INK Board on October 1, 2009. The KBI noted the intent of the fee increase was in response to KBI revenue issues, and the KBI would also be revisiting the ongoing fee structure associated with other applications provided by INK for the KBI.

Thornburgh noted since the KBI was unwilling to consider the INK Board's Amendment to the fee change at this time, and given the importance of this issue, he recommended the INK Board approve the original KBI Contract Amendment. Thornburgh noted he had discussed this issue with Jones and the original amendment had the potential to decrease portal revenue by \$5,500/year.

A motion was made by Thornburgh to approve the KBI Contract Amendment increasing the user fee to \$20.00, with the KBI portion consisting of \$18.25 and the INK portion consisting of \$1.75. Discussion ensued.

Hennes requested clarification regarding the impact of this decision relative to INK's mission. Thornburgh noted the negotiations with the KBI regarding this application have been difficult, and while INK's overall goal was to remain whole with this application, the KBI was looking to generate cash flow from this and other sources to resolve revenue issues.

Thornburgh requested clarification regarding future opportunities with the KBI. Hollingsworth and Jones noted there could be some potential opportunities with certified records, batch processing, databases and marketing initiatives, but they were unclear how some of these applications would interact with federal-level applications that may provide similar services.

Yunk expressed concern with the precedent this decision may set for similar issues in the future, citing the lack of response in regards to the INK Chairperson's request to negotiate on this issue from the KBI Director. The policy of the INK Board has not been one to a set respective agency's fee in regards to an application created by INK, nor has it been the respective agency's role to determine INK's fee in regards to executing that application.

Hennes requested clarification regarding the actual impact of the Amendment, given overall user fees to INK might actually increase because the Caregiver Search would be eliminated and all searches would have the same

user fees associated with them. Jones noted this may be an inadvertent error on the part of the KBI pertaining to the Amendment, but was unsure. Hollingsworth provided initial figures that reflected an increase in INK revenues. Discussion ensued.

The Board expressed concern with the various estimates provided regarding the impact of the amendment and questioned the ethics of moving forward without a clear understanding of whether the KBI was aware of the overall impact of the amendment, given their original objective behind the amendment. Discussion ensued.

Thornburgh rescinded the previous motion.

A motion was made by Thornburgh to authorize the Secretary of State on behalf of the INK Board to meet with KBI leadership to report the discussion the INK Board had in regards to the KBI Contract Amendment, which increases the user fee to \$20.00, with the KBI portion consisting of \$18.25 and the INK portion consisting of \$1.75 across all transactions. The proposed changes would be implemented within 24 hours. Seconded by Yunk. Discussion ensued.

Jones noted it would be difficult to delineate the INK portion of the fee if different amounts were associated with various transactions following the elimination of the Caregiver Search.

Dunham directed Hollingsworth and Jones to provide the Board with data that would clarify the estimated revenue changes.

Ahlerich requested the motion by Thornburgh, seconded by Yunk be amended to be subject to the INK Executive Director and Network Manager confirming the revenue change amounts. The Amendment has been approved by the INK Board and proposed changes could be implemented within 24 hours; however, the INK Board requests the Secretary of State explain the effect of the contract change with KBI leadership to determine whether this is the actual intent of their amendment.

An amended motion was made by Thornburgh to authorize the Secretary of State on behalf of the INK Board to meet with the KBI leadership to report the discussion the INK Board had in regards to the KBI Contract Amendment, which increases the user fee to \$20.00, with the KBI portion consisting of \$18.25 and the INK portion consisting of \$1.75 across all transactions. Subject to the INK Executive Director and Network Manager confirming the revenue change amounts, the Amendment has been approved by the INK Board and proposed changes could be implemented within 24 hours; however, the INK Board requests the Secretary of State explain the effect of the contract change with KBI leadership to determine whether this is the actual intent of their amendment. Seconded by Yunk. Motion carried.

Thornburgh noted he would contact the KBI regarding this issue on October 9, 2009.

## **Adjourn**

With no further business, at 4:40 p.m., Dunham requested a motion to adjourn the meeting. A motion was made by Thornburgh to adjourn the meeting. Seconded by Yunk. Motion carried.

Respectfully submitted

Stan Ahlerich  
Secretary